

Message Text

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ORIGIN AF-08

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L/AF:MMATHESON(DRAFT)
USDOC/BIC/OIM:MCHITTUM(DRAFT)
EUR/WE:MDURKEE(DRAFT)
USDOC/GENERAL COUNSEL:JKENWORTHY
(DRAFT)
S/S - MR. ORTIZ

-----291953Z 112448 /46

R 291651Z JAN 77
FM SECSTATE WASHDC
TO AMEMBASSY MADRID
INFO AMEMBASSY YAOUNDE
USMISSION USUN NEW YORK

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E.O. 11652: N/A

TAGS: PFOR,CGEN,EK

SUBJECT: COMMUNICATION FROM PRESIDENT MACIE OF EQUATORIAL
GUINEA REGARDING COCOA FRAUD (ALLOTEY) CASE

REF: STATE 11934

1. EMBASSY IS REQUESTED TO APPROACH GOS AND ASK THAT IT
DELIVER, IN ITS CAPACITY AS PROTECTING POWER FOR U.S.,
FOLLOWING MESSAGE TO EQUATORIAL GUINEAN PRESIDENT MACIE.
MESSAGE MAY BE IN FORM OF AIDE MEMOIRE OR ANY OTHER FORM
GOS DEEMS APPROPRIATE, MAY BE DELIVERED IN MALABO OR MADRID
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(PREFERABLY MALABO),BUT SHOULD BE IN WRITING AND SHOULD BE
VERBATIM.
2. BEGIN TEXT: THE UNITED STATES GOVERNMENT HAS RECEIVED
A TELEGRAM DATED JANUARY 15, 1977 FROM THE GOVERNMENT OF
EQUATORIAL GUINEA, CONCERNING A COCOA SALE IN 1970 IN
WHICH AN AMERICAN CITIZEN, MRS. ENID ALLOTEY, WAS
INVOLVED. IN ITS MESSAGE THE GOVERNMENT OF EQUATORIAL

GUINEA CLAIMS THAT MRS. ALLOTEY AND HER HUSBAND, ACTING AS BROKERS IN THE TRANSACTION, DEFRAUDED THE GOVERNMENT OF A LARGE SUM OF MONEY; STATES THE BELIEF THAT THE UNITED STATES GOVERNMENT, THROUGH ITS DEPARTMENTS OF STATE AND COMMERCE, HAD GUARANTEED THE TRANSACTION; AND REQUESTS THE ASSISTANCE OF THE UNITED STATES GOVERNMENT IN RECOVERING THE LOST FUNDS.

THE UNITED STATES GOVERNMENT IS SYMPATHETIC TOWARDS THE GOVERNMENT OF EQUATORIAL GUINEA IN THIS MATTER, AND REGRETS ANY LOSS THAT MAY HAVE BEEN INCURRED AS A RESULT OF FRAUDULENT REPRESENTATIONS BY AN AMERICAN CITIZEN. IT SHOULD BE POINTED OUT, HOWEVER, THAT THE MATTER IN QUESTION WAS ONE BETWEEN THE EQUATORIAL GUINEAN GOVERNMENT AND STRICTLY PRIVATE BUSINESS ENTITIES IN THE UNITED STATES. AT NO TIME DID THE UNITED STATES GOVERNMENT ITSELF UNDERTAKE TO GUARANTEE ALL OR PART OF THE TRANSACTION.

THE CORRECT CHANNEL FOR OBTAINING DAMAGES FOR THE ACTS OF PRIVATE PARTIES IN THE UNITED STATES IS THE INSTITUTION OF CIVIL ACTION AGAINST THOSE PARTIES IN THE APPROPRIATE UNITED STATES COURT. IN ITS NOTE OF JULY 14, 1975 FROM THE AMERICAN EMBASSY, YAOUNDE, TO THE FOREIGN MINISTRY, THE UNITED STATES GOVERNMENT INFORMED THE GOVERNMENT OF EQUATORIAL GUINEA THAT MR. AND MRS. ALLOTEY HAD BEEN SENTENCED BY A NEW YORK COURT TO THREE YEARS IN PRISON FOR WIRE FRAUD. IN A SPIRIT OF COOPERATION, THE UNITED STATES GOVERNMENT INDICATED AT THAT TIME THAT ALL LIMITED OFFICIAL USE

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PERTINENT MATERIALS ASSEMBLED IN CONNECTION WITH THAT CASE COULD BE MADE AVAILABLE IN THE EVENT THAT THE EQUATORIAL GUINEAN GOVERNMENT DECIDED TO SEEK RECOVERY OF ITS LOST FUNDS THROUGH CIVIL ACTION. AS INDICATED IN THE NOTE, THE UNITED STATES GOVERNMENT CANNOT, OF COURSE, PREDICT THE LIKELIHOOD OF SUCCESS OF SUCH AN ACTION, AND PRESUMES THAT THE GOVERNMENT OF EQUATORIAL GUINEA WOULD SEEK THE ADVICE OF A PRIVATE ATTORNEY IN THIS CONNECTION. HOWEVER, OUR OFFER OF COOPERATION IN MAKING THE NECESSARY MATERIALS AVAILABLE STILL STANDS IF THE GOVERNMENT OF EQUATORIAL GUINEA WISHES TO TAKE ADVANTAGE OF IT. END TEXT.

3. IN DISCUSSING CASE WITH GOS, EMBASSY MAY IF APPROPRIATE, ADVISE GOS ON CONFIDENTIAL BASIS OF FOLLOWING INFO REPORTED TO USG:

(A) IN SEPTEMBER, 1970, MRS. ENID ALLOTEY, AN AMERICAN CITIZEN, AND HER HUSBAND MR. ADDOQUAYE ALLOTEY, A GHANAIAN CITIZEN, FORMED A PARTNERSHIP IN THE U.S. UNDER

THE NAME OF STEPHAN AND COMPANY.

(B) SHORTLY AFTER REGISTERING THE PARTNERSHIP, MRS. ALLOTEY APPROACHED GENERAL COCOA COMPANY IN U.S., OFFERING TO ACT AS BROKER IN SALE OF EQUATORIAL GUINEAN COCOA. GENERAL COCOA AGREED TO PURCHASE SEVERAL THOUSAND METRIC TONS.

(C) MRS. ALLOTEY THEN MADE CONTACT WITH THE CAMARA OFICIAL AGRICOLA DE COMERCIO DE FERNANDO PO AND ARRANGED FOR TWO SHIPMENTS OF COCOA TO U.S. IN NOVEMBER,

1970. FOR REASONS NOT ENTIRELY CLEAR, SHE WAS ABLE OBTAIN RELEASE OF SHIPMENTS BEFORE PAYMENT MADE, AND TO DELIVER THEM TO GENERAL COCOA. IN THE END CAMARA REPORTEDLY RECEIVED ONLY DOLS 750,000 OF TOTAL PRICE OF DOLS 2,975,000 OFFERED BY STEPHAN AND COMPANY (PRECISE FIGURES SHOULD NOT RPT NOT BE RELEASED TO GOS). DEPT DOES NOT KNOW ORIGIN OF DOLS 3.4 MILLION FIGURE LIMITED OFFICIAL USE

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CITED BY MACIE IN 1/15/77 TELEGRAM.

(D) SO-CALLED USG GUARANTEE OF NOVEMBER 27, 1970 CITED IN MACIE TELEGRAM WAS NOT GUARANTEE BUT SIMPLY LETTER FROM CHARGE OF U.S. EMBASSY, SANTA ISABEL TO E.G. MINISTER OF INTERIOR TRANSMITTING VERBATIM MESSAGE RECEIVED FROM STEPHAN AND CO. THROUGH U.S. DEPARTMENT OF COMMERCE. MSG. FROM STEPHAN AND CO. ADVISED THAT GUARANTEE WAS BEING PREPARED BY U.S. BANK AND REQUESTED THAT COCOA BE LOADED ABOARD SHIP. N.B. CHARGE HAD EARLIER ADVISED MACIE ORALLY THAT USG PAYMENT GUARANTEE NOT RPT NOT POSSIBLE.

4. SPANISH TEXTS OF MACIE'S INCOMING MESSAGE (REFTTEL) AND OUR REPLY WILL BE TRANSMITTED SEPTTEL. DEPT. (AF/C) WOULD APPRECIATE RECEIVING COPY OF GOS COMMUNICATION TO GOEG. DECONTROL ON RECEIPT.
VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COCOA, DIPLOMATIC COMMUNICATIONS, AIDE MEMOIRE, FRAUDS, AGRICULTURAL PRODUCT SALES
Control Number: n/a
Copy: SINGLE
Sent Date: 29-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE020928
Document Source: CORE
Document Unique ID: 00
Drafter: JSBLODGETT:LA
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770033-0320
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t1977015/aaaaadte.tel
Line Count: 156
Litigation Code IDs:
Litigation Codes:
Litigation History:
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Message ID: 112c71d9-c288-dd11-92da-001cc4696bcc
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Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
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TAGS: PFOR, CGEN, EPAP, ETRD, EK, SP, US, (MACIAS NGUEMA BIYOGO NEGUE NDONG), (ALLOTEY, ENID), (ALLOTEY, ADDOQUAYE)
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